

RESOLUTION NO. 10-809

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING THE REQUEST OF KIMCO AUTOFUND LP TO REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO. C2008-0139; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town"), through its Code Compliance Department, issued Citation No. C2008-0139 to Kimco Autofund LP (the "Violator"); and

WHEREAS, the Violator was issued a Citation, the violation was subsequently corrected; and

WHEREAS, the Violator has incurred a fine of \$11,382.59; and

WHEREAS, the Violator has paid \$575.00 leaving a balance of \$10,807.59; and

WHEREAS, the Violator has requested that the Town reduce the fine and the Town Manager having reviewed the file has recommended to the Town Council approval of a reduction of the fine to \$5,403.79.

WHEREAS, the Violator has agreed to sign a release of the Town from any claims relating to the Citation as a condition of the reduction.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Reduction of Fine.** The civil penalty/fine for Code Compliance Case No. C2008-0139 is reduced to \$5,403.79 subject to the Violator paying the reduced amount no later than 60 days from the effective date of this Resolution. The Town Manager

is authorized to execute appropriate documents, including a release and waiver by the Violator for any and all claims relating to the citation and this reduction.

Section 3. Conditions. In the event the reduced fine is not paid within sixty (60) days of the effective date of this Resolution, the original fine amount shall be reinstated and continue to accrue interest as if this Resolution had not existed.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 13 day of April, 2010.

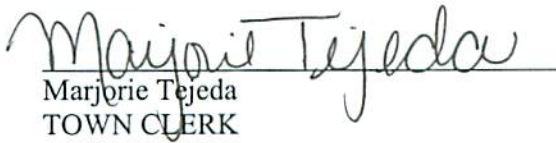
Motion to adopt by Collins, second by Meador.

FINAL VOTE AT ADOPTION

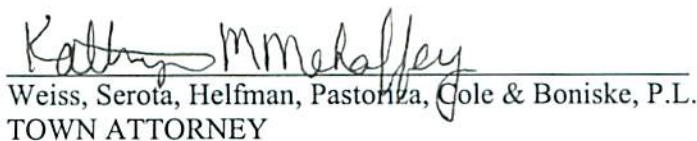
Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Nick Perdomo	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Richard Pulido	<u>ABSENT</u>
Councilmember Nancy Simon	<u>yes</u>


Michael Pizzi
MAYOR

ATTEST:


Marjorie Tejada
TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:


Weiss, Serota, Helfman, Pastorella, Cole & Boniske, P.L.
TOWN ATTORNEY